S.B. CIVIL WRIT PETITION NO. 3998/2006.
(RAMA VS. STATE & ORS.)

DATE OF ORDER : 08.08.2007.

HON'BLE MR. GOVIND MATHUR, J.

Mr.Vijay Purohit for the petitioner.

The Board of Revenue, Rajasthan by its order dated 28.05.2004 dismissed the appeal preferred by the petitioner giving challenge to the judgment and decree dated 29.08.2001 passed by the Revenue Appellate Authority, Sirohi being barred by limitation as well as on the count that the land in question could not be allotted to the petitioner being a part of river.

The contention of counsel for the petitioner is that the fact relating to nature of the land was not established and the land in question is not part of river, therefore, the courts below erred while giving a finding contrary to that.

I do not find any substance in the contentions so raised. All the courts below, after considering entire evidence available on record including the revenue record, gave a specific finding of fact that the land in question is a part of river and that could not be allotted to the petitioner. The Board of Revenue also rejected the appeal preferred by the petitioner on the count

that same was barred by limitation and no sufficient reason was given for causing delay in filing the appeal within the limitation prescribed. Learned counsel for the petitioner utterly failed to satisfy me also about the delay in filing the appeal.

Having considered the order passed by the Board of Revenue and also the order passed by the Revenue Appellate Authority, I am convinced that no error is committed by the courts below that may warrant interference of this Court under Article 226 and 227 of the Constitution of India.

The writ petition, therefore, is dismissed.

(GOVIND MATHUR)J.

Anil/